

AMENDED IN SENATE AUGUST 21, 2006
AMENDED IN SENATE JUNE 1, 2006
AMENDED IN SENATE MAY 8, 2006
AMENDED IN SENATE APRIL 5, 2006
AMENDED IN ASSEMBLY JANUARY 5, 2006
AMENDED IN ASSEMBLY APRIL 18, 2005
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 699

Introduced by Assembly Member Chan
(Coauthors: Assembly Members Berg, Jones, and Karnette)

February 17, 2005

An act to add Section 120155 to the Health and Safety Code, relating to vaccines.

LEGISLATIVE COUNSEL'S DIGEST

AB 699, as amended, Chan. Vaccines: influenza.

Existing law requires the State Department of Health Services to provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations first for all persons 60 years of age or older in this state, and then to any other high-risk groups identified by the United States Public Health Service. The department and the California Department of Aging are required to prepare, publish, and disseminate information regarding the availability of the vaccine, and the effectiveness of the vaccine in protecting the health of older persons.

This bill would ~~require the State Department of Health Services to annually determine the amount of influenza vaccine that is available from each vaccine's manufacturer for the population of this state, as well as the need for the vaccine by the state's population, and to make this information available on the department's Web site no later than October 1 of each year, with periodic updating as prescribed. The bill would require any manufacturer or distributor of the influenza vaccine, or nonprofit health care service plan that exclusively contracts with a single medical group in a specified geographic area, to provide, or arrange for the provision of, medical services to its enrollees to report specified information regarding the supply of the vaccine upon notice from the department. It would require that, within each county or city health jurisdiction, entities that have possession of, or have a legal right to obtain possession of, the influenza vaccine, or entities that are conducting or intend to conduct influenza clinics for the public, their residents, or their employees, with certain exceptions, shall cooperate with the local health officer in determining local inventories of influenza vaccine, including providing copies of invoices and distribution lists as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 120155 is added to the Health and
2 Safety Code, to read:
3 ~~120155. (a) The department shall annually determine the~~
4 ~~amount of influenza vaccine, including the live, attenuated~~
5 ~~influenza vaccine in a nasal-spray, that is available from each~~
6 ~~vaccine's manufacturer for the population of this state, as well as~~
7 ~~the need for the vaccine by the state's population, and make this~~
8 ~~information available on the department's Web site no later than~~
9 ~~October 1 of each year and provide periodic updating as~~
10 ~~necessary from October 1 through December 31 of each year.~~
11 (b)
12 120155. (a) Any manufacturer or distributor of the influenza
13 vaccine, or nonprofit health care service plan that exclusively
14 contracts with a single medical group in a specified geographic
15 area to provide, or to arrange for the provision of, medical
16 services to its enrollees, shall report the information described in

subdivision~~(d)~~ (c) relating to the supply of the influenza vaccine to the department upon notice from the department.

~~(e)~~

(b) Within each county or city health jurisdiction, entities that have possession of, or have a legal right to obtain possession of, the influenza vaccine, or entities that are conducting or intend to conduct influenza clinics for the public, their residents, or their employees, except those entities described in subdivision~~(b)~~ (a), shall cooperate with the local health officer in determining local inventories of influenza vaccine, including providing inventory, orders and distribution lists in a timely manner, when necessary.

~~(d)~~

(c) The information reported pursuant to subdivision~~(b)~~ (a) shall include, but is not limited to, the amount of the influenza vaccine that has been shipped, and the name, address, and, if applicable, the telephone number of the recipient.

~~(e) Subdivisions (b), (c), and (d) shall not apply to a~~

(d) *Subdivisions (a), (b), and (c) shall not apply to a physician and surgeon practice, unless the practice is an occupational health provider who conducts influenza vaccination campaigns on behalf of a corporation.*

~~(f)~~

(e) It is the intent of the Legislature in enacting this section to assist small physician and surgeon practices, nursing facilities, and other health care providers that provide care for patients at risk of illness or death from influenza by facilitating the sharing of vaccine supplies, if necessary, between providers within a local jurisdiction.

~~(g)~~

(f) If a business believes that the information required by this section involves the release of a trade secret, the business shall nevertheless disclose the information to the department, and shall notify the department in writing of that belief at the time of disclosure. As used in this section, “trade secret” has the meanings given to it by Section 6254.7 of the Government Code and Section 1060 of the Evidence Code. Any information, *including identifying information, including, but not limited to, the name of the agent or contact person of an entity that receives the influenza vaccine from a manufacturer or distributor, or nonprofit health care service plan described in subdivision (b),*

1 *and the receiving entity's address and telephone number, that is*
2 *reported pursuant to this section shall not be disclosed by the*
3 *department to anyone, except to an officer or employee of the*
4 *county, city, city and county, or the state in connection with the*
5 *official duties of that officer or employee to protect the public*
6 *health.*

7 *SEC. 2. The Legislature finds and declares the following:*
8 *Section 1 of this act, which adds Section 120155 to the Health*
9 *and Safety Code, imposes a limitation on the public's rights of*
10 *access to the writings of public officials and agencies within the*
11 *meaning of Section 3 of Article 1 of the California Constitution.*
12 *Pursuant to that constitutional provision, the Legislature makes*
13 *the following findings to demonstrate the interest protected by*
14 *this limitation and the need for protecting that interest:*

15 *(a) Access to business records related to the supply of*
16 *influenza vaccine is necessary to protect the public health.*

17 *(b) Access to this information may be otherwise limited unless*
18 *the confidentiality of this information is protected.*